

Supplemental Response under 37 C.F.R. § 1.116
USSN 09/895,195

REMARKS

~~Claims 25-37 and 39-41 are pending in the present application.~~ Applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

Applicant thanks Supervisory Patent Examiner Rada for the courtesies extended to Applicant's representatives during the March 3, 2003 telephone interview, the contents of which is incorporated herein. In the telephone interview, Applicant's representatives were instructed as to the requirements necessary to disqualify Karaki as a rejecting reference under 35 U.S.C. § 103(a). Those requirements are met by the remarks as provided below.

If additional evidence is needed, Applicant kindly requests that the Examiner contact the undersigned as soon as possible so Karaki can be properly removed under 35 U.S.C. § 103(c).

Claims 30-36 stand rejected under 35 U.S.C. § 103(a) over McCole in view of Karaki et al. (U.S. Patent No. 6,317,951 B1, hereafter "Karaki"). Applicant respectfully submits that the Examiner's proposed combinations of references fail to disclose or suggest all of the claimed combinations of features, as required for prima facie obviousness rejection. For at least the reasons herein, Applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

As previously noted by Applicant, Karaki should be disqualified as a reference due to the common ownership between Karaki and the present application at the time of the invention. In the present Office Action, the Examiner states that proper evidence has not been submitted. Applicant thanks the Examiner for clarifying this issue in the telephone interview with Applicant's representatives on December 9, 2002, the contents of which is incorporated herein.

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Applicant believes that the requirements have been met under the MPEP § 706.02(I). Applicant submits herewith additional evidence supporting removal of Karaki as a withdrawing reference. Applicant refers the Examiner to MPEP § 706.02(I), Section II, which states that a statement such as "Application X and Patent A were, at the time the invention of Application X was made, owned by Company Z" alone is sufficient evidence to disqualify Patent A from being used in a rejection under 35 U.S.C. § 103(a) against the claims of Application X. Applicant submits that the foregoing requirements were clearly met in Applicant's July 2, 2002 response.

As proof of ownership by a common entity, Applicant submits Assignment information associated with the Karaki reference in the attached Appendix. Applicant notes that the requirements of 35 U.S.C. § 103(c) have been met. For example, but not by way of limitation, Applicant respectfully submits that Karaki is only available as prior art under 35 U.S.C. § 102(e) in a §103(a) rejection, and that the present invention has a filing date of July 2, 2001 (based on a parent application filed on June 30, 2000, with U.S. Application No. 09/609,245, now U.S. Patent No. 6,287,744), which is after November 29, 1999.

Also, Applicant respectfully submits that the present application and Karaki were, at the time the invention the present application was made, owned by Fuji Photo Film Co., Ltd.. Thus, the present application qualifies for the application of 35 U.S.C. § 103(c).

The Karaki reference (U.S. Serial No. 09/163,912) was filed on October 1, 1998, and the U.S. Patent and Trademark Office previously recorded the Assignment to Fuji Photo Film Co., Ltd. as of October 1, 1998, on Reel 9496 at Frame 803. Correspondingly, in the present application, the Assignment was recorded the Assignment to Fuji Photo Film Co., Ltd. as of June

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30, 2000, on Reel 10939 at Frame 0932, in the parent of the present Divisional application (i.e., U.S. Application No. 09/609,245 and U.S. Patent No. 6,287,744). Copies of assignments and their respective recordation information is attached herewith in the Appendix of the previous Amendment.

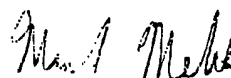
Therefore, Applicant respectfully requests allowance of the claims 30-36.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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